

REMARKS

Claims 61-94 are pending, with claims 61, 72, 88 and 92 being independent. Applicants note that no claims are amended or canceled by way of the present response.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the following remarks.

Double Patenting

Claims 61-94 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 51-57 of copending Application No. 10/892,080 (“the ‘080 application”). Applicants believe that the present claims are patentable over the claims of the ‘080 application. However, to facilitate allowable subject matter, submitted herewith is a terminal disclaimer over the ‘080 application.

Claims 61-94 stand rejected on the ground of non-statutory obviousness-type double patenting over claims 1-23 of copending Application No. 11/029,906 (“the ‘906 application”). Applicants believe that the present claims are patentable over the claims of the ‘906 application. However, to facilitate allowable subject matter, submitted herewith is a terminal disclaimer over the ‘906 application.

Applicants note that the filing of a Terminal Disclaimer is not to be construed as an admission of the propriety of the rejection on obvious double patenting. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

Conclusion

Without conceding the propriety of the rejection, two terminal disclaimers are submitted herewith. In view of the foregoing remarks and the attached terminal disclaimers, reconsideration of the claims and allowance of the subject application is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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